

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL A. PRESSMAN,)	
)	CASE NO. 5:07-cv-3827
Plaintiff,)	
)	JUDGE ECONOMUS
v.)	
)	
JO ANNE B. BARNHART,)	MAGISTRATE JUDGE VECCHIARELLI
Commissioner of Social Security)	
)	<u>ORDER</u>
Defendant.)	

When a complaint is filed and plaintiff has not been granted leave to plead *in forma pauperis*, plaintiff is responsible for serving the complaint upon the defendant. Service must be made within 120 days after the filing of the complaint. See Federal Rule of Civil Procedure 4(m). Service upon the United States is described as follows in Federal Rule of Civil Procedure 4(i):

(1) Service upon the United States shall be effected

(A) by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney and

(B) by also sending a copy of the summons and of the

complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and

(2) Service upon an officer, agency, or corporation of the United States, shall be effected by serving the United States in the manner prescribed by paragraph (1) of this subdivision and by also sending a copy of the summons and of the complaint by registered or certified mail to the officer, agency, or corporation.

Accordingly, in the instant case, plaintiff must serve (1) the United States Attorney for the district in which the action is brought, (2) the Attorney General of the United States, and (3) the Commissioner of Social Security.

Plaintiff filed this case on December 17, 2007. Substantially more than 120 days has passed without plaintiff's having effected service. Plaintiff has 14 days from the date of this order to perfect service upon all necessary parties or show good cause why service has not been so perfected. A failure to timely perfect service may result in a dismissal of the case for failure to perfect service.

IT IS SO ORDERED.

/s/ Nancy A. Vecchiarelli
Nancy A. Vecchiarelli
U.S. Magistrate Judge

Date: June 12, 2008